APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,945	08/07/2001	Mikio Fukasawa	P67026US0	9504

			EXAMINER
136 7590 06/30/2005			NGUYEN, MINH DIEU T

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ART UNIT	PAPER NUMBER
2137	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/922,945	FUKASAWA, MIKIO
	Examiner	Art Unit	
	Minh Dieu Nguyen	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *11 April 2005*.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-12,14,16,17,19 and 20* is/are pending in the application.

    4a) Of the above claim(s) *13,15 and 18* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-12,14,16,17,19 and 20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *1/26 and 4/11/05*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   This action is in response to the communication dated April 11, 2005 with the amendments to claims 1, 5-6, 11-12, 14, 16-17 and 19-20 and the cancellation of claims 13, 15 and 18.

Claims 1-12, 14, 16-17 and 19-20 are pending.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-12, 14, 16-17 and 19-20 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments focus on the combination of features introduced by the amendment with elements that already existed in the claims. The new material is rendered obvious by Beach et al. (5,388,268), Sakamoto et al. (10-326245), Machida (09-091179), Johnson et al. (5,964,839), Freund (5,987,611), Hirokawa (6,697,172) and Wattenberg (6,583,794).

Information Disclosure Statement

3.   The information disclosure statement filed on October 31, 2001; April 2, 2004 and January 26, 2005 are being considered by the examiner.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5.   Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in

the relevant art that the inventor(s), at the time the application was filed, had possession

of the claimed invention. Claim 1 has amended limitation of "calculates a use rate of

said idle state **which is a rate of the total idle state time in total using time and the**

total idle state time of all application software products". On page 26, line 1 of the

specification, the "idle rate" is mentioned, but it is not defined as seen in the amended

limitation claim 1.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Beach et al. (5,388,268) in view of Sakamoto et al. (10-326245) and further in view

of Machida (09-091179).

Beach discloses a method and apparatus for providing visual indications of the

states of a plurality of software processes located in various instruments of a distributed

computer system comprising a monitor computer for monitoring a computer and a

monitor-subject computer to be monitored by the monitor computer (Fig. 1) wherein the

monitor-subject computer records a log of a use state of application software products

(col. 3, lines 27-36); and the monitor computer acquires the log from the monitor-subject

computer to calculate a using time and a use rate for each of the application software

products excluding a time of an idle state and a time and a use rate of the idle state

(Fig. 2), and outputting a use efficiency (col. 1, lines 27-32).

However Beach does not disclose calculate a using time which is a subtraction of

idle state time from a time when the application software products are activated up to

the completion of the application software products.

Sakamoto discloses calculating a using time which is a subtraction of idle state

time that is a time period from a time point when a certain time has passed from an

action of the application software products up to a next action, from a time when the

application software products are activated up to the completion of the application

software products (Drawing 3, paragraphs [0021-0026]).

It would have been obvious to the one of ordinary skill in the art at the time of the invention to employ the use of calculating a using time with which is a subtraction of idle state time that is a time period from a time point when a certain time has passed from an action of the application software products up to a next action, from a time when the application software products are activated up to the completion of the application software products in the system of Beach as Sakamoto teaches to correctly monitoring usage time of products/services.

However Sakamoto does not disclose use rate of each product, total using time, and total idle time of products.

Machida discloses providing working rate result for respective terminals, departments and users for respective applications relating to the time of the active state and the inactive state (i.e. idle) of respective application execution windows (Abstract).

Machida discloses a total using time and total idle state time of all products (paragraphs [0006], [0017]) and outputs a use efficiency including the using time and use rate for each products and the total idle time (paragraph [0009], [0017]).

It would have been obvious to the one of ordinary skill in the art at the time of the invention to employ the use of calculating the usage rate of each products, total usage time and total idle time in the system of Beach and Sakamoto as Machida teaches so as to provide more information for use efficiency.

Beach, Sakamoto and Machida do not disclose using rate of idle state.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to employ the use of calculating the usage rate of idle state as the matter of

design choice so as to provide more parameters in efficiently monitoring use efficiency.

b)   As to claim 14, most of claimed limitation is addressed by the combination

of Beach, Sakamoto and Machida in above claim 1.

Machida discloses an example of popular ranking (Drawing 7) (ranking of the

total reference time). It is a usual practice for a person with an ordinary skill in the art to

allow a computer to display a list in the predetermined order. It is obvious for a person

with an ordinary skill in the art to conceive a structure which displays a list of the names

of monitor-subject computers in the order of the availability factor.

8.   Claims 3-4 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Beach et al. (5,388,268) in view of Sakamoto et al. (10-326245) in view of Machida

(09-091179) and further in view of Johnson et al. (5,964,839).

a)   As to claims 3-4 and 11-12, Beach does not disclose a monitor computer

acquires a log of characters input.

Johnson discloses data monitoring and collection system comprising a monitor

computer acquires a log of characters input at a monitor-subject computer (col. 3, lines

63-66).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to employ the use of logging input characters as Johnson teaches in the

system of Beach, Sakamoto and Machida so as to determine any illegal document

creation via entered keystrokes and input efficiency based on number of input

characters.

b)   As to claims 9-10, Beach does not disclose a monitor computer acquires a

log of software installation/un-installation.

Johnson discloses data monitoring and collection system comprising a monitor

computer acquires a log of software installation/un-installation (col. 4, lines 2-5).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to employ the use of logging software installation/uninstallation as Johnson

teaches in the system of Beach, Sakamoto and Machida so as to determine when new

application becomes active and any illegal software installation.

9.   Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Beach et al. (5,388,268) in view of Sakamoto et al. (10-326245) in view of Machida (09-

091179) and further in view of Freund (5,987,611).

a)   As to claims 5-6, Beach does not disclose a monitor computer acquires a

log of contents of mail transmission/reception.

Freund discloses system and methods for regulating access and maintaining

security of individual computer systems and LANs connected to a larger open networks

including the Internet (col. 1, lines 24-29) wherein a monitor computer acquires a log of

contents of mail transmission/reception (Abstract; Fig. 7E).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of logging incoming/outgoing mails as Freund teaches in the system of Beach, Sakamoto and Machida so as to analyze and detect any unauthorized access to the mail system.

b)   As to claims 7-8, Beach does not disclose a monitor computer acquires a log of browsing over the Internet.

Freund discloses a computing environment with methods for monitoring access to an open network wherein a monitor computer acquires a log of browsing over the Internet, a list of URLs (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of logging incoming/outgoing mails as Freund teaches in the system of Beach, Sakamoto and Machida so as to analyze and detect any unauthorized browsing.

10.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al. (5,388,268) in view of Sakamoto et al. (10-326245) in view of Machida (09-091179) and further in view of Hirokawa (6,697,172).

Beach discloses a method and apparatus for providing visual indications of the states of a plurality of software processes located in various instruments of a distributed computer system comprising a monitor computer for monitoring a computer and a monitor-subject computer to be monitored by the monitor computer (Fig. 1) wherein the monitor-subject computer acquires a log of a use state of application software products

(col. 3, lines 27-36). However he does not disclose the monitor computer acquires the log from the monitor subject computers to calculate a working rate of the application software and display a list of the monitor subject computers in an order of the working rate.

Hirokawa discloses a system and method relates to a facsimile apparatus which is capable of transmitting measurement data relating to facsimile performance to a control center comprising the control center calculates the usage rates of memories of the facsimile (Fig. 2, element 19) and displays a list in an order of the usage rate (Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of calculating the usage ratio as Hirokawa teaches in the system of Beach, Sakamoto and Machida so as to better track the products usage.

11.   Claims 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al. (5,388,268) in view of Sakamoto et al. (10-326245) in view of Machida (09-091179) in view of Freund (5,987,611) and in view of Wattenberg (6,583,794).

Freund discloses a computing environment with methods for monitoring access to an open network wherein a monitor computer acquires a log of browsing over the Internet, a list of URLs (Abstract) and monitor computer calculates using time and viewing time (col. 10, line 45 to col. 11, line 28).

However Freund does not disclose monitor computer classifies the products to
be used or home pages to be accessed into specific items and display using and
viewing time for each classification.

Wattenberg discloses an interface system for web site maintenance wherein
home pages are assigned to specific categories and usage rate of each category is
monitored (col. 17, lines 51-60).

It would have been obvious to one of ordinary skill in the art at the time of the
invention to employ the use of classifying products to be used or home pages to be
accessed into specific items and monitor each classification accordingly as Wattenberg
teaches in the system of Beach, Sakamoto, Machida and Freund so as to monitoring
the popularity of a web site and individual, specific web pages (col. 17, lines 58-60).

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in
this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-

3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number

for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 571-272-

2100.

Minh Dieu Nguyen
Examiner
Art Unit 2137

mdn
6/21/05

AYAZ SHEIKH
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